

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350

Sacramento, CA 95833

(916) 274-5721

FAX (916) 274-5743

Website address www.dir.ca.gov/oshsb

Attachment No. 2

INITIAL STATEMENT OF REASONS**CALIFORNIA CODE OF REGULATIONS**

**TITLE 8: Chapter 4, Subchapter 7, Article 90, Section 4884
of the General Industry Safety Orders**

Hammerhead Tower Cranes**SUMMARY**

The Occupational Safety and Health Standards Board (Board) received a Form 9 Request for New, or Change In Existing, Safety Order (Form 9-052) from the Division of Occupational Safety and Health (Division) requesting amendments to Section 4884. Existing Section 4884 contains standards for the design, construction and installation of various types of cranes in accordance with established national consensus standards as published by the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME). Existing Section 4884 (b) requires hammerhead tower cranes manufactured after May 16, 1993, to conform to the ASME B30.3-1990 standard for hammerhead tower cranes (HTC). HTC's are again addressed in subsection (c)(1)(A) which requires all cranes and derricks manufactured after September 28, 1986, and through June 23, 1999 to be designed, constructed and installed in accordance with listed national consensus standards. HTC's are listed as having to conform to the ANSI B30.3-1975 standard.

Currently, Section 4884 does not address HTC's manufactured on or before September 28, 1986. Consequently, HTC's manufactured on or before September 28, 1986 are not held to any standard of construction, design, and installation that can be adhered to by the employer and enforced by the Division, posing a safety hazard to the crane operator, site employees and the general public.

A conflict exists between subsection (b) which requires all HTC's manufactured after May 16, 1993 to conform to the ASME B30.3-1990 HTC standard and subsection (c)(1)(A) which requires all HTC's manufactured after September 28, 1986, and through June 23, 1999, to conform with the ANSI B30.3-1975 HTC standard. Therefore, HTC's manufactured after May 16, 1993, and through June 23, 1999, are required to conform with two different ANSI/ASME B30.3 publications.

This proposal would specify the appropriate national consensus standards applicable to HTC's depending on their date of manufacture and would delete the reference to HTC's in subsection (c)(1)(A).

HTC's manufactured after June 23, 1999 are addressed by the ANSI/ASME B30.3-1996 standard for construction tower cranes in existing Section 4884(c)(1)(B).

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Section 4884. Scope.

This section addresses the design, construction and installation of various types of cranes and derricks in accordance with applicable national consensus standards depending on when the crane or derrick was manufactured. This section also addresses the operation, testing, inspection and maintenance of cranes and derricks in accordance with the applicable requirements of Group 13. Section 4884 further requires electrically powered cranes and derricks to meet the requirements of the electrical safety orders.

Subsection (b).

Existing subsection (b) requires hammerhead tower cranes manufactured after May 16, 1993 to conform to ASME B30.3-1990, Hammerhead Tower Cranes.

An amendment is proposed to revise the wording of the opening phrase by replacing the words "after May 16, 1993 shall conform to ASME B30.3-1990, Hammerhead Tower Cranes" with the phrase "on or before June 23, 1999." This proposal is necessary to state the expanded scope of subsection (b).

New Subsections (b)(1) – (b)(3).

New subsection (b)(1) is proposed that would require HTC's manufactured before September 28, 1986 to be designed, constructed and installed in accordance with the ANSI B30.3-1975 standard for HTC. The proposal is necessary to specify the standard to which older HTC's are to be designed, constructed and installed.

New subsection (b)(2) is proposed that would require HTC's manufactured on September 28, 1986 through May 16, 1993 to be designed, constructed and installed in accordance with the ANSI/ASME B30.3-1984 standard for HTC. The proposal is necessary to specify the standard to which HTC's manufactured during the indicated time span are to be designed, constructed and installed.

New subsection (b)(3) is proposed that would require HTC manufactured after May 16, 1993 through June 23, 1999 to conform to the design, construction and installation provisions of the ASME B30.3-1990 standard for HTC. The proposal is necessary to specify the standard to

which HTC's manufactured during the indicated time span are to be designed, constructed and installed.

The proposed addition of new subsections (b)(1) – (b)(3) are necessary to make applicable to each group of HTC's the ANSI standard that was current at the time the HTC's were manufactured. In addition, a "NOTE" is added to the end of subsection (b) directing the regulated public's attention to subsection (c)(1)(B) where ANSI/ASME standards applicable to HTC's manufactured after June 23, 1999 are referenced.

Subsection (c)(1)(A).

Existing subsection (c)(1)(A) requires cranes and derricks manufactured after September 28, 1986 and through June 23, 1999 to be designed, constructed and installed in accordance with one of the applicable national consensus standards contained in a list that follows subsection (c)(1)(A). The listed standard is ANSI B30.3-1975, Hammerhead Tower Cranes.

An amendment is proposed to include the phrase "on or" before the phrase "after September 28, 1986." This proposal is necessary to clarify to the employer that cranes and derricks manufactured on, as well as after, September 28, 1986 are to comply with the applicable national consensus standards listed in subsection (c)(1)(A).

An amendment is proposed to delete the reference to ANSI B30.3-1975, Hammerhead Tower Cranes, which is necessary to avoid contradiction with proposed new subsections (b)(1)-(3).

Subsection (c)(1)(B).

Existing subsection (c)(1)(B) requires cranes and derricks manufactured after June 23, 1999 to be designed, constructed and installed in accordance with one of the applicable national consensus standards contained in a list that follows subsection (c)(1)(B).

An amendment is proposed to the reference of B30-3-1996, construction tower crane standard, to include the term "hammerhead tower cranes" parenthetically. This proposal is necessary to clarify that this standard also addresses hammerhead tower cranes.

DOCUMENTS RELIED UPON

1. Memorandum from the Division of Occupational Safety and Health, Form 9-052, to the Occupational Safety and Health Standards Board, dated October 26, 2006.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. Board staff was not able to identify any state agencies that own or operate hammerhead tower cranes. Hammerhead tower cranes are used almost exclusively for high rise multi-story commercial construction. Hammerhead tower cranes used in conjunction with the construction of California facilities are generally contracted out to independent commercial high rise construction companies.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Board staff believes that it is not unreasonable to expect that most, if not all, hammerhead tower cranes still in use in the private sector which were manufactured prior to September 28, 1986 meet the basic ANSI B30.5-1975 standard for design, construction and installation.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. See explanation under "Impact on Businesses."

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.